

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lianne May	Team: Squad #7	CCRB Case #: 202002622	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/09/2020 1:03 PM	Location of Incident: 609 Myrtle Avenue	Precinct: 79	18 Mo. SOL 10/9/2021	EO SOL 5/4/2022	
Date/Time CV Reported Thu, 04/09/2020 2:30 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 04/09/2020 2:30 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. CPT Alison Esposito	00000	920258	PSA 3

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joshua Acosta	03792	955705	079 PCT
2. POF Lela Banks	07366	953658	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.CPT Alison Esposito	Abuse: Captain Alison Esposito threatened to arrest § 87(2)(b) [REDACTED]	
B. An officer	Abuse: An officer did not process § 87(2)(b) [REDACTED] s complaint regarding an officer.	

Case Summary

On April 9, 2020, § 87(2)(b) called the CCRB to file a complaint (BR1).

On the same date at 12:32PM, § 87(2)(b) had a dispute at post office located at 609 Myrtle Avenue in Brooklyn. Multiple individuals called 911 to report this dispute. Captain Alison Esposito of PSA 3 responded, spoke to the postal employees, and told § 87(2)(b) that she needed to leave the establishment. When § 87(2)(b) refused, Captain Esposito said § 87(2)(b) could be arrested if she did not leave (**Allegation (A): Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) then went to the 88 Precinct stationhouse at an unknown time to file a complaint against Captain Esposito. A female officer allegedly refused to process her complaint (**Allegation (B): Abuse of Authority, § 87(2)(g)**).

The CCRB did not receive any body-worn camera as the nature of the incident did not require the use of BWC as per the Patrol Guide. The investigation received four stationhouse surveillance videos (BR2; BR3; BR4; BR5).

Findings and Recommendations

Allegation (A) Abuse of Authority: Captain Alison Esposito threatened to arrest § 87(2)(b)

On April 9, 2020 at approximately 12:32PM, § 87(2)(b) went to a post office located at 609 Myrtle Avenue in Brooklyn. She was wearing a purple and black Adidas track suit with black leggings (BR6). § 87(2)(b) and § 87(2)(b) another patron, said they were waiting in line for approximately 20 minutes when they heard that there was a problem with another patron at the front of the line (BR6; BR7).

§ 87(2)(b) verbally confronted the postal employees about the problem. In reaction to her behavior, the postal employees closed the windows to their service stations and refused service to all patrons until § 87(2)(b) left the post office (BR6). § 87(2)(b) specifically requested to speak to a manager about this and the manager reiterated that they will not serve anyone (BR7).

According to NYPD Event #§ 87(2)(b) (BR8), an unnamed post office employee called 911 at 13:04 to request help in escorting a female patron, matching § 87(2)(b)'s description, out of the post office. At 13:09, § 87(2)(b) called 911 to report the postal employees' behavior. At 13:33 and 13:54, § 87(2)(b) called to report that a female matching § 87(2)(b)'s description is having a dispute with the postal employees. At 14:11, § 87(2)(b) another patron, called 911 to report that the postal employees are denying service. § 87(2)(b) testified that Captain Alison Esposito of PSA 3 responded at approximately 2:14PM and asked her what was going on (BR6). § 87(2)(b) was inside and corroborated that Captain Esposito asked patrons what occurred (BR7). § 87(2)(b) and § 87(2)(b) said that Captain Esposito spoke privately with postal employees in the backroom of the post office and employees identified § 87(2)(b) as the individual with a dispute (BR6; BR7). Captain Esposito asked § 87(2)(b) if she was the individual having a dispute and § 87(2)(b) confirmed this. Captain Esposito stated that § 87(2)(b) had to leave. § 87(2)(b) asked why and refused to do so (BR6; BR7). Captain Esposito gave no explanation but repeated that § 87(2)(b) needed to leave the post office. § 87(2)(b) continued to refuse to leave, and Captain Esposito stated that § 87(2)(b) would get arrested if she did not leave (BR6).

§ 87(2)(b) walked out of the post office and saw a uniformed male officer. She asked him where she could go to complain about Captain Esposito. The male officer recommended she go to the 79 Precinct stationhouse. § 87(2)(b) got in her car and left the post office (BR6).

§ 87(2)(b) told the investigation that after § 87(2)(b) left, the post office resumed service (BR9).

NY CLS Penal § 140.05 defines trespass as when "A person 'enters or remains unlawfully' in or upon premises when he is not licensed or privileged to do so. A person who, regardless of his

intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or other authorized person” (BR10).

§ 87(2)(g)

Allegation (B) Abuse of Authority: An officer did not process § 87(2)(b) s complaint regarding an officer.

After leaving the post office, § 87(2)(b) drove to the stationhouse at Dekalb Avenue and Classon Avenue. She only realized upon her arrival that this was not the 79 Precinct stationhouse, but the 88 Precinct Stationhouse. She was unsure of when exactly she arrived, but estimated it was around 2:25-2:45PM (BR6).

§ 87(2)(b) could only enter a first booth in the stationhouse where she saw a desk with three officers. A female officer, described as heavyset Black female in her 40’s in a blue uniform, on the far right side of the desk came to talk to § 87(2)(b). § 87(2)(b) stated that she wanted to make a complaint against a captain and the female officer went to talk to a male member of service in a white uniform. The female officer came back and told § 87(2)(b) that she could call 1-800-341-2272 or 311 and go to 100 Church Street on the 10th floor. § 87(2)(b) wanted to stay at the stationhouse to file her complaint, but the female officer said there was nothing else she could do. § 87(2)(b) then left and called 311 (BR6).

The investigation requested 88 PCT stationhouse footage and received four total videos: two exterior views of Classon Avenue, the Main Entrance, and the First Floor Vestibule (BR2; BR3; BR4; BR5). Each video is of one-hour at 3PM. No video shows anyone in plainclothes that match § 87(2)(b) s clothing or pedigree description. No one made a complaint in the vestibule window and no members of service working the vestibule match the female officer’s description.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
 - Captain Alison Esposito has been a member of service for 22 years and has been subject in eight CCRB complaints and 21 allegations, none of which were substantiated. § 87(2)(g)
- (BR12).

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR13).
- As of November 23, 2020, The CCRB’s request from the NYC Comptroller’s Office for any notices of claim related to this incident yielded negative results (BR14).

Squad No.: 7

Investigator: Lianne May Investigator Lianne May November 30, 2020
Signature Print Title & Name Date

Squad Leader: _____

Signature _____

Manager Vanessa Rosen _____

Print Title & Name _____

December 1, 2020 _____

Date _____

Reviewer: _____

Signature Print Title & Name Date